

On motion by **Councilman Hinyub** and seconded by **Councilman Miller**, the following ordinance was introduced as amended:

ORDINANCE NO. 4871

An ordinance to amend the Gretna Code of Ordinances, Chapter 12. –Businesses; more particularly adding Article. -XIII. Short-Term Home Sharing Rentals, reserving Sections 12-509 through 12-604 and adding Sections 12-605 through 12-615.

WHEREAS, the City of Gretna has an interest in the health, welfare and safety of the citizens of the City of Gretna; and

WHEREAS, the City of Gretna has an obligation to provide its citizens with ordinances that clearly describe permitted activities in the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council, acting as legislative authority for the City of Gretna, that:

The Gretna Code of Ordinances, Chapter 12. –Businesses; more particularly adding Article. -XIII - Short-Term Home Sharing Rentals, reserving Sections 12-509 through 12-604 and adding Sections 12-605 through 12-615, all to read as follows,

CHAPTER 12 BUSINESSES

ARTICLE XIII SHORT-TERM HOME SHARING RENTALS

Section 12-605 Purpose

The purpose of this Article is to allow for the efficient use and sharing of residential structures without detracting from residential character or enjoyment. Nothing in this Article shall be deemed or interpreted to restrict or prevent a home owners association or other organization of property owners from prohibiting short term home sharing rental in restrictive covenants or other title restrictions.

Section 12-06 Definitions

DWELLING. A structure or portion of a structure that includes a sleeping area, bathroom, and food preparation area including a stove, oven or range top.

HOME SHARING. A short-term rental of a Host's primary residence or part thereof for the purposes of providing temporary lodging, for compensation, for periods of 30 consecutive days or less and no more than 156 days per year and to no more than double occupancy of each bedroom plus two individuals per booking.

HOME SHARING HOSTING PLATFORM. An entity that facilitates home sharing through advertising, match-making or any other means and from which the Platform derives revenues, including, but not limited to, booking fees or advertising revenues, from providing or maintaining the marketplace.

HOST. An individual who has the legal right to rent his/her Primary Residence for home sharing under this Article.

PRIMARY RESIDENCE. The sole property on which the Host conducts home sharing, the Host receives a homestead exemption, and in which the Host resides at least 6 months of the year.

SHORT-TERM RENTAL. Any portion of any structure, used as a primary residence by a Host, and which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, for up to 30 days.

WHOLE HOME RENTAL. A home sharing when the residential host is absent from the premises during the sort term rental. When the residential host surrenders the home and/or accessory structure to guests and is not present to supervise, control, assist or oversee the use of the property by the guest.

Sec. 12-607 – Permit and License – Created and Required

(a) An annual Home Sharing Short-Term Rental license permit allowing up to 156 days per year of short-term home sharing may be issued to eligible applicants by the Planning, Zoning and Licensing Department. A Short-Term Home Sharing rental license permit is a privilege, not a right, and may be revoked or not renewed based on non-compliance with the requirements of the city code and/or the requirements provided herein.

(b) No property shall be utilized as a short-term home sharing rental, as herein, without an authorized short-term rental license permit. No license permit shall be issued where prohibited by a homeowner's association, action of the governing body of a homeowner's association, neighborhood restrictive covenants or action of other homeowner's organization.

(c) Any holder of a Short-Term Home Sharing rental license permit issued pursuant to this article shall maintain on file with the City a current address of a natural Person in the City of Gretna on whom service may be made, including without limitation the service of legal notices and lawsuits related to the operation of short-term rentals and/or compliance with this article and/or applicable provisions of this code. Service upon the person on file shall be deemed effective service upon the holder of the short-term rental license permit. Any juridical person holding a short-term rental license permit shall be qualified to do business in the State of Louisiana. Failure to comply with this provision or to keep current the agent for service shall be grounds for revocation of the short-term rental license permit.

Sec. 12-608. – Submission Documents and Requirements

An applicant for a Short-Term Home Sharing rental license permit shall:

(a) Attest to the following and furnish the necessary documentation upon request of the city:

(1) That the property has current, valid liability insurance of \$500,000.00 or more;

(2) That each short-term rental unit has working carbon monoxide detectors in the immediate vicinity of each sleeping area and, working smoke detectors in every bedroom, outside the sleeping area, and on all habitable floors;

(3) That each short-term rental unit has a properly maintained and charged fire extinguisher in each short-term rental unit;

(4) That in each short-term rental unit there is a posting and/or brochure that provides a floor plan indicating fire exits and escape routes, the name, phone number with area code, and e-mail address of the licensee and the designated local responsible party. The brochure also shall provide information pertinent to the neighborhood where the short-term rental is located, including, but not limited to, restrictions on parking, noise, trash, the trash collection schedule, and shall be displayed in a prominent location.

(5) That the property is in compliance with applicable provisions of the city's Minimum Property Maintenance, Building, Electrical, Mechanical and Plumbing Codes;

(6) That the owner, or operator if applicable, has made best efforts to notify the properties immediately adjacent to the desired short-term rental of the license application; and

(7) That the property has no outstanding taxes or municipal code violation liens.

(8) The applicant does not operate more than one home sharing unit or guest room, in the City of Gretna

(9) That the applicant is not or was not the operator of a short-term rental which has a currently suspended license or has had such license revoked by the City or any other jurisdiction within five (5) years of the date of application

(10) That the applicant hold a valid homestead exemption for the property listed in the application

(b) Furnish the following documentation upon request of the Planning, Zoning and Licensing Department:

- (1) A floor and/or site plan that indicates the location of the required smoke detectors, fire extinguisher, and emergency contact/fire-exit posting, as attested to in subsection (a).
- (2) The contact information for the owner of the short-term rental unit, which includes the owner's primary physical mailing address, cell phone number, and email address. Additionally, the same contact information for an alternate local person that is able to respond on premises to complaints, if required by the city.
- (3) Proof of ownership via a valid homestead exemption.
- (4) A list of the short-term rental hosting platform(s) that will be utilized to advertise or solicit the property for use as a short-term rental.
- (5) Verification that the property has no outstanding taxes or property liens.
- (6) A current address of a natural person the City of Gretna upon whom service may be made.
- (7) Include a complete criminal background investigation of the individual(s) named in the application as owners and/or operators, said investigation to be conducted by the Gretna Police Department or its designee, and confirmation that the person(s) subject to the criminal background investigation has/have not been convicted of any crime involving drugs, vice or felony violence in the ten (10) years immediately prior to the date of the application;

Any fraud, material misrepresentation, or false statements contained in the attestations, required documentation, or correlating application materials shall be grounds for immediate revocation of a short-term rental license permit. Furthermore, all requirements herein shall be continuously maintained throughout the duration of the permit.

(c) Host Responsibilities

- (1) A Host shall be responsible for any nuisance violations of this code, arising at a property during home sharing activities. When the host is temporarily away from the premises, the designated local responsible person shall respond to a complaint concerning the short-term rental from a guest or a neighbor and, if necessary, shall appear on the premises to address the issue.
- (2) Host shall require every guest to provide evidence of identity through at least one (1) of the following methods:
 1. Pre-approved identification system.
 1. Government-issued identification which contains the registrant's following information:
 - a.Full name.
 - b.Date of birth or age.
 - c.Residence address.
 - d.Photograph of the guest
- (3) The Host shall keep and preserve, for a period of three years, all records including the number and length of each home sharing stay during the past year, and the price paid for each stay. The city shall have the right to inspect these records at all reasonable times.
- (4) The Host shall fully comply with all the requirements of state and local tax collection requirements.

Sec. 12-609. – Permit and License Issuance

- (a) Upon satisfactory submission of the required attestations and requested documentation in section 12-608, the city may issue an annual Short-Term Home Sharing rental license permit. Said permit shall contain:

- (1) The address of the short-term rental;
 - (2) The permit holder's name;
 - (3) Permit number, and rental limitations, including bedroom limit and guest occupancy limit;
 - (4) Contact information (name, phone and e-mail) for complaints by guests or neighbors the listed contact information shall be of an individual able to respond on-premises to complaints;
 - (5) Dates the permit is valid.
- (b) The permit holder shall provide the valid permit number on any listing advertising or soliciting the property for use as a short-term rental. The permit holder shall only advertise the short-term rental as allowed by their short-term rental permit.
- (c) The permit holder shall post the following information in a prominent location in the interior, clearly visible to guests:
- (1) The permit number;
 - (2) The name and contact information of the owner/operator;
 - (3) The name and contact information of the property manager, if applicable;
 - (4) Occupancy limit;
 - (5) Trash and recycling collection rules and dates; and
 - (6) Additional short-term rental rules and operational standards, including but not limited to: prohibition on the use of the rental for commercial or social events and noise limitations.

Sec. 12-610. – Permit and License Renewal

The short-term home sharing rental license permit shall be valid one year from the date of issuance. Renewal permits shall be issued in the same manner as initial permits, and requires:

- (1) Providing the department an updated copy of any of the documents required by section 12-608 if applicable.
- (2) A revised attestation, indicating continued compliance with the requirements in section 12-608
- (3) A revised list of short-term rental platform(s) that will be utilized to advertise or solicit the property for use as a short-term rental.
- (4) Proof of payment of all applicable taxes and fees as required by law.

Sec. 12-611. – Permit and License Fees

- (a) A nonrefundable fee for the initial issuance and renewal thereof shall be \$750.00
- (b) A \$7.50 fee for each night of occupancy of a residential dwelling unit used for dwelling, lodging, or sleeping purposes pursuant to a short-term rental, shall be remitted to the city to offset the cost of the enforcement and other costs borne by the city.

Sec. 12-612. – Registration Created

The city will maintain a registry of information regarding short-term rentals based upon data provided by short-term rental hosting platforms. Each short-term rental hosting platform shall provide the city the following information regarding short-term rentals on a monthly basis:

- (1) The name of the person issued the license-permit and their contact information (e-mail address/phone number);
- (2) The listing address;
- (3) The tax assessment address (if different than the listing address); and

Sec. 12-613. – Short-Term Home Sharing Hosting Platform Requirements

(a) Requirements

- (1) Actively prevent, remove and cancel any illegal listings and bookings of short-term home sharing rentals including where a listing has been offered: without a short-term home sharing rental registration number; by a Host who has more than one listing in the City of Gretna; or, for a rental unit that exceeds 90 days in a calendar year.
- (2) Provide to the City, within 45 days of the effective date of this Ordinance, contact information for an employee or representative that will respond to requests for information or verification of violations of this section. Hosting Platforms established after the effective date, provide this information prior to facilitating short-term home sharing rentals to transient guests.
- (3) In cases where advertisements appear on Hosting Platforms that are not in compliance with this Subdivision, work with the City to investigate and resolve any violations. This includes contacting the alleged violator, particularly in cases where the City is unable to locate them, and instructing them to apply for short-term home sharing rental permit. If no response is obtained in a reasonable amount of time, or the Short-Term Home Sharing permit is not applied for within 30 days of the notice, the listing shall be removed from the Hosting Platform
- (4) Provide to the city, on a monthly basis, a log in an electronic format, including the Short-term home sharing registration number, address of all sites maintained, authorized, facilitated or advertised by the Hosting Platform for transient use during the period, the total number of nights that the residential unit was occupied during the period and the amounts paid for each stay, the total amount of tax collected by the platform and remitted to the city. If the Hosting Platform does not have the technical capability to collect such information, it shall provide written documentation to the City of Gretna within 75 days of adoption of this Ordinance that it either does not participate in the booking of short-term home sharing rentals or provide alternative methods to comply with the intent of this provision, to the satisfaction of the City.
- (5) If the Hosting Platform collects payment for the short-term home sharing rental, the platform and the Host shall both have legal responsibility for the collection of all applicable state and local occupancy/sales tax and remittance of the collected tax to the City on a monthly basis.

In providing the information required by this subsection, the short-term rental hosting platform is not required to provide personally identifiable information.

(b) The city shall have the authority to subpoena information from short-term rental hosting platforms. Any such administrative subpoena shall:

- (1) Be submitted in writing by the city attesting that the city has a reasonable belief based on evidence that a short-term rental may be in violation of this article or of applicable provisions of the city code;
- (2) Be sent to the short-term rental hosting platforms via regular and certified mail; and
- (3) Be related to a specific investigation by the city relating to a single short-term rental that is specifically identified in the subpoena, and alleges the specific violations of this article or of the applicable provisions of the city code.

The platform shall notify their user of the information requested in the subpoena within ten days of receipt of the subpoena and produce the responsive records within 21 days of providing notice to the user, except to the extent that the user has sought relief in a court of competent jurisdiction. Failure to comply with the subpoena shall give rise to an action in the 24th Judicial District Court seeking compliance and the platform shall be responsible for all court cost, fines and attorney fees required in seeking such compliance

(c) For purposes of this article, short-term rental hosting platforms are defined as any marketplace that facilitates short-term rentals, as defined in the city code, through advertising, matchmaking or other means, from which the platform derives revenues, including booking fees or advertising revenues, from or maintaining the marketplace.

Sec. 12-614 Prohibitions

- (a) No Person shall advertise, undertake, maintain, authorize, book or facilitate any renting to transient guests in a manner that does not comply with this section.
- (b) No Person shall advertise any home sharing activity without a City issued home sharing registration number included on a visible location on the advertisement.
- (c) No Person shall operate home sharing for more than 156 days per calendar year.
- (d) No person shall offer a whole home short term rental.
- (e) Additional dwellings, such as a mother-in-law apartment or an unoccupied unit of a multifamily home, may not be used for home sharing.
- (f) No Person shall offer or engage in home sharing in any part of the property not approved for residential occupancy, including but not limited to, a vehicle parked on the property, a storage shed, recreation room, trailer or garage or any temporary structure like a tent.
- (g) A Host may not rent all or a portion of his home for the purposes of home sharing to more than one group of guests as limited in the definition of *Home Sharing* in this chapter, under more than one booking, at any given time.
- (h) Home sharing is not permitted in units that are subject to affordable housing covenants, are in units subject to any form of government Rent Stabilization and/or are income-restricted under City, state, or federal law.
- (i) Non-residential uses shall not be permitted, including but not limited to, sales or exchange of products, parties, functions or events that exceed the maximum number of permitted guests as limited in the definition of *Home Sharing* in this chapter, events that charge a fee, or the promotion, display or servicing of any product is conducted on the premises.
- (j) No Person shall advertise home sharing on a Hosting Platform not included on the home sharing registration form without prior noticing of the Planning, Zoning and Licensing Department and amending of the home sharing application form.

Sec. 12-615 Suspension and Revocation

A license permit shall be subject to suspension or revocation by the administration upon good cause, that the short-term rental has engaged in any of the following since issuance of its current license permit:

- (1) Failure to comply with the requirements of this chapter or with applicable provisions of this Code.
- (2) Refusal and/or failure to remedy building, zoning, or other code violations.
- (3) Three (3) or more felony drug-related independent incidents resulting in arrests where the offense occurred on short-term rental property by a guest in a period of one year, except when the arrest is the result of notification to and/or in direct cooperation with law enforcement by lodging accommodation management.
- (4) Three (3) or more prostitution-related independent incidents resulting in arrests where the offense occurred on bed and breakfast, hotel, motel, or short-term rental property by a guest in a period of one year except when the arrest is the result of notification to and/or in direct cooperation with law enforcement by lodging accommodation management.
- (5) Except when the result short-term rental management notifying or directly cooperating with law enforcement, five (5) or more verified calls for service regarding short-term rentals within a thirty (30) day period regarding the following activities on the property of the bed and breakfast, hotel, motel, or short-term rental: illegal felony drug activity, prostitution, or violent felony crimes.

Sec. 12-616. – Penalties

Any violation of this article and the correlating provisions in the city code may subject a violator to any remedy, legal or equitable, available to the city. Violations include but are not limited to: advertisement or rental of a short-term rental without proper permitting and licensure, operation outside the scope of any of the applicable short-term rental regulations provided by law, failure to include the license number or property address of a short-term rental unit in any advertisement, and advertising a short-term rental outside the permitted scope of a short-term rental license permit. Remedies include, but are not limited to: revocation of a short-term rental license permit, daily fines, property liens, and the discontinuance of electrical and/or water service. The minimum penalty for operation of a short-term rental in violation of this chapter shall be a 6-month prohibition of the issuance of a permit license at the offending address. Nothing contained herein shall be construed to limit the legal remedies available to any other person for the correction of violations of this article and the correlating provisions in the city code.

Provided that a majority of the City of Gretna Council have voted in favor of this ordinance, this ordinance shall have the full force and effect of law at midnight on the tenth day following the Clerk’s presentment of the same to the Mayor, in accordance with Louisiana Revised Statutes 33:406(c)(2) unless the Mayor returns the same, unsigned, to the Clerk during that ten-day period.

This ordinance having been submitted to a vote, the vote thereon was as follows:

Yeas: **Councilmen Hinyub, Miller, Rau, Crosby and Berthelot**

Nays: None

Absent: None

ADOPTED: April 10, 2019

/S/ NORMA J. CRUZ, CMC
CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA

Ordinance presented to the
Mayor on April 11, 2019

/S/ NORMA J. CRUZ, CMC
CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA

APPROVED: April 11, 2019

/S/ BELINDA C. CONSTANT
MAYOR
CITY OF GRETNA
STATE OF LOUISIANA

Ordinance returned from the
Mayor on April 11, 2019

/S/ NORMA J. CRUZ, CMC
CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA

A TRUE COPY:

/S/ NORMA J. CRUZ, CMC
CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA